

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated July 14, 2008, (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection based upon the teachings of WO 01/63843 to Balogh (hereinafter “Balogh”) as combined with those of U.S. Patent No. 6,269,395 to Blatherwick *et al.* (hereinafter “Blatherwick”) because the asserted teachings alone, or in combination, do not teach or suggest each of the claimed limitations. For example, the Office Action acknowledges at page three that Balogh does not disclose selecting at least one connection setting associated with a network identifier that is also associated with a currently applied connection setting. The reliance on the teachings of Blatherwick to overcome this deficiency is misplaced as Blatherwick also has not been shown to correspond to such limitations. The cited portion of Blatherwick teaches that when a device is connected to a first service provider for a first service and a second service from a second service provider is selected, the device can connect to the second service provider while remaining connected to the first service provider. There is no teaching or suggestion that the connection to the second service provider is associated with a network identifier that is also associated with the connection to the first service provider. In contrast, the cited portion of Blatherwick teaches that the connection to the second service provider is established using a second communication link that is separate from the communication link connecting to the first service provider. Thus, neither of the asserted references teaches or suggests selecting at least one connection setting associated with a network identifier that is also associated with a currently applied connection setting, as claimed.

In addition, neither of the asserted references has been shown to teach comparing a current network identifier to stored network identifiers. Contrary to the assertion at page two of the Office Action and as explained previously, Balogh is directed to initial access by a device to a network, which does not teach or suggest a current network identifier associated with a current connection setting or comparison using such a current network

identifier. Rather, Balogh teaches that scanned network information (e.g., information on locally available networks) is compared to pre-stored collections of access settings for initial connection set-up purposes (*see e.g.*, page 9). As discussed above, Blatherwick also has not been shown to compare a current network identifier to stored network identifiers. Therefore, in an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, the claims have been amended to more explicitly characterize that a current network identifier that is associated with a current connection is compared to stored network identifiers. Although these limitations were already present in the claims, further support for these changes may be found in the Specification, for example, at page 11, lines 20-24, in Table 1, and at page 10, lines 11-16; therefore, these changes do not introduce new matter. Each of the claims is believed to be patentable over the asserted combination of teachings since the asserted teachings alone, or in combination, fail to at least teach or suggest comparing or selecting using a current network identifier, as now claimed. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

Moreover, neither of the asserted references has been shown to teach carrying out handover, as claimed in each of the independent claims. For example, Balogh is directed to initial access by a device to a network, which does not teach or suggest carrying out handover related functions as described, for example, at page 2, line 24 *et seq.* of the instant Specification. Blatherwick also fails to suggest replacing an original communication link with a second communication link associated with a network identifier of the first communication link to ensure continuation of the original service. Rather, Blatherwick teaches either adding a communication link or replacing an original communication link by disconnecting therefrom and connecting to a new service. Notably, Blatherwick does not include the term "handover". As neither of the asserted references has been shown to teach, or be directed to, handover related functions, any combination of such teachings also fails to correspond to at least the claim limitations directed to handover related functions. Again,

without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-8, 10-16, 18, and 20 depend from independent Claims 1, 9, 17, and 19, respectively, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Balogh and Blatherwick. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-8, 10-16, 18, and 20 are also patentable over the combination of Balogh and Blatherwick.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.080PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: December 9, 2008

By: /Erin M. Nichols/

Erin M. Nichols
Reg. No. 57,125